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67.167-009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Ebert
SERIAL NO.: 10/689,230
FILED: 10/20/2003
GROUP ART: 3676
EXAMINER: Estremsky, Gary Wayne
FOR: Door Lever Construction With Fragile Handle

Mail Stop After Final
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT WITH REGARD TO NOTICE
OF NON-COMPLIANT APPEAL BRIEF**

Dear Sir:

Appellant has now received a second notification of non-compliant appeal brief. This second notice did not raise any actual defects in the previously pending appeal brief. Even so, appellant has modified its Summary of the Claimed Invention section.

Note, the examiner's indication of the grounds of non-compliance raises two points. At point (b), the examiner states that the Brief does not identify and explain every means plus function clause. There are no means plus function clauses in any of appellant's claims.

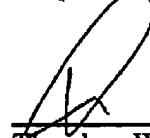
With regard to point (a), the examiner alleges the Brief does not contain a concise explanation of the subject matter. Appellant disagrees. The previously pending Brief did contain a concise of the claimed subject matter. There were citations to specific reference numbers and paragraphs within the specification. Patent specifications no longer carry line numbers; they carry paragraph numbers. Notably, this is actually the second Notice of

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Non-Compliant Appeal Brief. The first pointed to other alleged defects, but apparently found the exact Summary of the Claimed Invention section acceptable.

At any rate, appellant has submitted another Brief. If another Notice of Non-Compliance is received in this application, appellant will petition to the Group Director.

Respectfully submitted,




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Dated: April 6, 2006

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (571) 273-8300, on April 6, 2006.


Laura Combs